

STATE OF WISCONSIN

Senate Journal

Eighty-Seventh Regular Session

THURSDAY, February 13, 1986

10:00 A.M.

The senate met.

The senate was called to order by Fred A. Risser, president of the senate.

The senate stood for the prayer which was offered by Reverend William R. Berg of Messiah Lutheran Church, Madison.

The senate remained standing and Senator Helbach led the senate in the pledge of allegiance to the flag of the United States of America.

The roll was called and the following senators answered to their names:

Senators Adelman, Andrea, Chilsen, Chvala, Cullen, Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, McCallum, Moen, Norquist, Otte, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 536

Relating to the expiration date of the public records and forms board and the recreation of the public records board.

By Senators Czarnezki, Harsdorf, Ulichny, Lorman, Feingold, Cullen, McCallum, Helbach, Hanaway and Davis; cosponsored by Representatives Holschbach, Shoemaker, Byers, Swoboda, Hasenohrl, Potter, Foti, Manske, Neubauer, Mark Lewis, McEssy, Merkt and Williams.

To committee on Education and Government Operations.

Senate Bill 537

Relating to permitting an insurer to preclude multiplication of coverages of motor vehicles under policies with the same named insured.

By Senator Van Sistine.

To committee on Labor, Business, Veterans Affairs and Insurance.

Senate Bill 538

Relating to denials of applications for alcohol beverages licenses.

By Senator Van Sistine; cosponsored by Representative Hephner, by request of Allan Krizeneky of Pestigo.

To committee on Labor, Business, Veterans Affairs and Insurance.

Senate Bill 539

Relating to providing special adjustment aids to consolidated school districts.

By Senator Davis; cosponsored by Representative Potter.

To committee on Education and Government Operations.

Senate Bill 540

Relating to conversion by teachers of accumulated sick leave to credits for health insurance at the time of disability.

By Senators Norquist, Van Sistine and Cullen; cosponsored by Representatives Krusick, Becker, Barrett and Notestein.

To Joint Survey committee on Retirement Systems.

Senate Bill 541

Relating to the entry of a plea by a defendant in a criminal action.

By Senators Norquist and Czarnezki; cosponsored by Representatives M. Cogs, Notestein, Kunicki, Crawford, Becker and R. Young.

To committee on Judiciary and Consumer Affairs.

Senate Bill 542

Relating to use of profits from bingo games by a licensed organization.

By Senators Plewa and Andrea; cosponsored by Representatives Grobschmidt, Barrett and Barca.

To committee on Labor, Business, Veterans Affairs and Insurance.

Senate Bill 543

Relating to creating an exception to the prohibition against age discrimination for certain apprenticeship programs.

By Senators Plewa, Andrea, Otte, Norquist and Chilsen; cosponsored by Representatives Looby, Holschbach, Antaramian, Fergus, Kasten, Grobschmidt, McEssy, Porter and Gronemus.

To committee on Aging, Banking, Commercial Credit and Taxation.

Senate Bill 544

Relating to eligibility and priority of projects under the point source pollution abatement program and granting rule-making authority.

By Senators Davis, Adelman, Engeleiter and McCallum; cosponsored by Representatives Huelsman, Panzer, Lepak, Schneiders, Schober and Foti.

To committee on Energy and Environmental Resources.

Senate Bill 545

Relating to immunity of agencies or organizations regarding children subject to supervised work programs.

By Senator Helbach; cosponsored by Representatives Gruszynski.

To committee on Judiciary and Consumer Affairs.

Senate Bill 546

Relating to sulfur dioxide and nitrogen oxide emission goals and limits, creating a council, providing for a study, granting rule-making authority, providing penalties and making appropriations.

By Senator Strohl; cosponsored by Representatives Bell and Holperin, by request of Governor Anthony S. Earl.

To committee on Energy and Environmental Resources.

COMMITTEE REPORTS

The committee on Tourism, Revenue, Financial Institutions and Forestry reports and recommends:

Senate Bill 395

Relating to regulation of membership campgrounds and providing penalties.

Introduction of senate substitute amendment 1:

Ayes, 5 -- Senators Kincaid, Helbach, Ulichny, Ellis and Leean;

Noes, 0 -- None.

Introduction and adoption of senate amendment 1 to senate substitute amendment 1:

Ayes, 4 -- Senators Kincaid, Helbach, Ulichny and Ellis;

Noes, 1 -- Senator Leean.

Adoption of senate substitute amendment 1:

Ayes, 5 -- Senators Kincaid, Helbach, Ulichny, Ellis and Leean;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Kincaid, Helbach, Ulichny, Ellis and Leean;

Noes, 0 -- None.

LLOYD H. KINCAID
Chair

The committee on Education and Government Operations reports and recommends:

Senate Joint Resolution 14

Relating to abolishing the use of the property tax for school operations (first consideration).

Adoption:

Ayes, 6 -- Senators Czarnezki, Adelman, Moen, Otte, Harsdorf and Lorman;

Noes, 1 -- Senator Davis.

Senate Bill 70

Relating to modifying the distribution schedule of state aid payments to school districts.

Introduction and adoption of senate substitute amendment 1:

Ayes, 7 -- Senators Czarnezki, Adelman, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

Passage as amended:

Ayes, 7 -- Senators Czarnezki, Adelman, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

Assembly Bill 100

Relating to communications received by certain school staff members regarding pupil use of alcohol or other drugs.

Introduction and adoption of senate substitute amendment 1:

Ayes, 6 -- Senators Czarnezki, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

Concurrence as amended:

Ayes, 4 -- Senators Moen, Otte, Davis and Harsdorf;

Noes, 2 -- Senators Czarnezki and Lorman.

JOSEPH J. CZARNEZKI
Chair

The committee on Senate Organization reports and recommends:

Assembly Joint Resolution 68

Relating to the exceptional public service of Wilder W. Crane.

Concurrence:

Ayes, 5 -- Senators Cullen, Risser, Norquist, Engeleiter and Ellis;

Noes, 0 -- None.

TIMOTHY F. CULLEN
Chair

The committee on Agriculture, Health and Human Services reports and recommends:

Senate Bill 504

Relating to allowing the department of health and social services to enter into interstate adoption agreements.

Introduction and adoption of senate amendment 1:

Ayes, 10 -- Senators Moen, Otte, Norquist, Feingold, Ulichny, Strohl, Harsdorf, Lorman, Rude and Chilsen;

Noes, 0 -- None.

Passage as amended:

Ayes, 10 -- Senators Moen, Otte, Norquist, Feingold, Ulichny, Strohl, Harsdorf, Lorman, Rude and Chilsen;

Noes, 0 -- None.

Assembly Bill 14

Relating to the distribution of fertilizer and soil and plant additives in this state, granting rule-making authority and providing penalties.

Concurrence:

Ayes, 9 -- Senators Moen, Otte, Norquist, Feingold, Ulichny, Strohl, Lorman, Rude and Chilsen;

Noes, 1 -- Senator Harsdorf.

Assembly Bill 76

Relating to mental health.

Concurrence:

Ayes, 8 -- Senators Moen, Otte, Ulichny, Strohl, Harsdorf, Lorman, Rude and Chilsen;

Noes, 2 -- Senators Feingold and Norquist.

RODNEY C. MOEN
Chair

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 85-191

AN ORDER to repeal HSS 55.61 (1) (d), relating to liability insurance coverage for certified family day care and in-home day care providers.

Submitted by Department of Health and Social Services.

Report received from agency, February 12, 1986.

Referred to committee on Labor, Business, Veterans Affairs and Insurance, February 13, 1986.

The committee on Labor, Business, Veterans Affairs and Insurance reports and recommends:

Clearinghouse Rule 85-108

AN ORDER to repeal chapter Accy 2 and Accy 3.03 (1) (b) and 5.02 (4); to renumber Accy 3.03 (1) (c) and (d); to amend Accy 4.02, 4.03, 4.07 and 4.10; and to repeal and recreate Accy 1.402, relating to access to public records, good moral character, qualifications for certification and unprofessional advertising or solicitation.

Submitted by Department of Regulation and Licensing.

No action taken.

JEROME VAN SISTINE
Chair

MESSAGE FROM THE ASSEMBLY

By Joanne M. Duren, chief clerk.

Mr. President:

I am directed to inform you that the assembly has passed and asks concurrence in:

Assembly Bill 420
Assembly Bill 536
Assembly Bill 642

Assembly Bill 669

Amended and concurred in as amended:

Senate Joint Resolution 62, assembly substitute amendment 1

Senate Bill 288, assembly amendments 1, 2 and 3

Concurred in:

Assembly Bill 92, senate amendments 1 and 2

Nonconcurring in:

Assembly Bill 92, senate amendment 4

Assembly Bill 159, senate amendment 1

Assembly Bill 191, senate amendment 1

Agrees to a Committee of Conference on Assembly Bill 138 and appoints Representatives Brist, Tesmer and Weeden as conferees on its part.

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Bill 420

Relating to trademarks and providing penalties.

By Representatives Rutkowski, Grobschmidt, Schober, Crawford, Krug, Goetsch, Rosenzweig, Holschbach, Hasenohrl, Schneiders, Neubauer, Seery, Schmidt, Plizka and Musser, cosponsored by Senators Czarnecki, Chilsen and Davis.

Read first time and referred to committee on Judiciary and Consumer Affairs.

Assembly Bill 536

Relating to applications for veterans' economic assistance loans.

By Representatives Holschbach, Bolle, Hubler, Vanderperren, Menos, Merkt, Byers, Mark Lewis, Metz, T. Thompson, M. Cogg, Paulson, Cowles, Seery, Van Gorden and Musser, cosponsored by Senators Otte, Czarnecki, Kreul and Rude.

Read first time and referred to committee on Labor, Business, Veterans Affairs and Insurance.

Assembly Bill 642

Relating to wage claims filed with the department of industry, labor and human relations.

By Representatives R. Young, Plizka and Schober, cosponsored by Senator Feingold.

Read first time and referred to committee on Labor, Business, Veterans Affairs and Insurance.

Assembly Bill 669

Relating to hours during which businesses with retail alcohol beverages licenses may remain open.

By Representatives Hephner, Shoemaker, Lepak, Schober, Plizka, J. Young and Ladwig.

Read first time and referred to committee on Labor, Business, Veterans Affairs and Insurance.

CALENDAR OF FEBRUARY 13

Senate Bill 132

Relating to small claims eviction actions.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 132

Read a third time and passed.

Senate Bill 143

Relating to directing property tax assessors to consider the lack of governmental services in valuing condominiums.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 143

Read a third time and passed.

Senate Bill 275

Relating to minimum street widths and sanitary conditions in condominiums and the applicability of the laws regulating subdivisions to condominium developments.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 275

Read a third time.

Senator McCallum asked unanimous consent that **Senate Bill 275** be referred to joint committee on Finance.

Senator Czarnecki objected.

Senator McCallum moved that **Senate Bill 275** be referred to joint committee on Finance.

The question was: Shall **Senate Bill 275** be referred to joint committee on Finance?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 18; absent or not voting, 0; as follows:

Ayes -- Senators Chilsen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Kreul, Lasee, Leraan, Lorman, McCallum, Roshell, Rude, Stitt, Theno -- 15.

Noes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnecki, Feingold, George, Helbach, Kincaid, Lee, Moen, Norquist, Otte, Plewa, Risser, Strohl, Ulichny and Van Sistine -- 18.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Shall the bill pass?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnecki, Feingold, George, Helbach, Kincaid, Lee, Moen, Norquist, Otte, Plewa, Risser, Strohl, Ulichny and Van Sistine -- 18.

Noes -- Senators Chilsen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Kreul, Lasee, Leraan, Lorman, McCallum, Roshell, Rude, Stitt and Theno -- 15.

Absent or not voting -- None.

So the bill passed.

Senate Bill 283

Relating to testing infants for sickle cell disease and creating a technical council on biochemical screening.

Read a second time.

By request of Senator Lorman, with unanimous consent, **Senate Bill 283** was placed at the foot of the calendar.

Senate Bill 303

Relating to requiring counties to appoint humane officers certified by the department of agriculture, trade and consumer protection and granting rule-making authority.

Read a second time.

By request of Senator George, with unanimous consent, **Senate Bill 303** was referred to joint committee on Finance.

Senate Bill 309

Relating to changes in the laws governing town mutuals.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 309

Read a third time and passed.

Senate Bill 345

Relating to: review of bills providing for regulation of an occupation previously not regulated; the membership of the examining boards and examining councils attached to the department of regulation and licensing; revising the disciplinary procedures for the department of regulation and licensing and the examining boards in the department; authorizing the department of regulation and licensing to specify the number of business days within which determinations on license applications must be made; eliminating restrictions on advertising and certain other practices by persons licensed, registered or certified by the department of

regulation and licensing; and granting rule-making authority.

Read a second time.

By request of Senator George, with unanimous consent, **Senate Bill 345** was referred to joint committee on Finance.

Senate Bill 347

Relating to distribution of funds to counties instituting a countywide system of general relief administration.

Read a second time.

By request of Senator George, with unanimous consent, **Senate Bill 347** was referred to joint committee on Finance.

Senate Bill 396

Relating to creating a film promotion office in the department of development and making an appropriation.

Read a second time.

By request of Senator George, with unanimous consent, **Senate Bill 396** was referred to joint committee on Finance.

Senate Bill 431

Relating to searches of mobile homes and motor homes.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 431

Read a third time and passed.

Senate Bill 443

Relating to deletions from the county trunk highway system.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 443

Read a third time and passed.

Senate Bill 447

Relating to demonstration project grants for provision of expanded services to persons afflicted with brain injury and making appropriations.

Read a second time.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

Adopted.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 447

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 6; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnecki, Davis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Lee, Lorman, McCallum, Moen, Norquist, Otte, Plewa, Risser, Roshell, Rude, Strohl, Theno, Ulichny and Van Sistine -- 27.

Noes -- Senators Chilsen, Ellis, Kreul, Lasee, Lekan and Stitt -- 6.

Absent or not voting -- None.

So the bill passed.

Assembly Joint Resolution 68

Relating to the exceptional public service of Wilder W. Crane.

Read.

By request of Senator Chilsen, with unanimous consent, the entire membership of the senate was made co-authors of **Assembly Joint Resolution 68**.

Concurred in by unanimous rising vote.

Assembly Bill 155

Relating to the transfer of interests in motor vehicles to a surviving spouse.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 155

Read a third time and concurred in.

Assembly Bill 177

Relating to relevancy of evidence concerning alleged crime victims.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 177

Read a third time and concurred in.

Assembly Bill 230

Relating to appointment of guardians for minors receiving gifts.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 230

Read a third time and concurred in.

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Assembly Bill 306

Relating to formation of a limited partnership.

Read a second time.

Ordered to a third reading.

By request of Senator Norquist, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 306

Read a third time and concurred in.

Assembly Bill 328

Relating to sexual assault victims.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 328

Read a third time and concurred in.

Assembly Bill 391

Relating to orders to perform community service work.

Read a second time.

Senate amendment 1 offered by Senator Lee.

The question was: Adoption of senate amendment 1?

By request of Senator Lee, with unanimous consent, **Assembly Bill 391** was placed after **Senate Bill 283**.

Senate Bill 283

Relating to testing infants for sickle cell disease and creating a technical council on biochemical screening.

Read a second time.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

By request of Senator Kreul, with unanimous consent, the senate recessed until 11:05 A.M.

10:44 A.M.

RECESS

11:05 A.M.

The senate reconvened.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

By request of Senator Otte, with unanimous consent, senate substitute amendment 1 was returned to the author.

The question was: Adoption of senate substitute amendment 2?

Senate amendment 1 to senate substitute amendment 2 offered by Senator Rude.

The question was: Adoption of senate amendment 1 to senate substitute amendment 2?

Senator Otte moved rejection of senate amendment 1 to senate substitute amendment 2.

The question was: Rejection of senate amendment 1 to senate substitute amendment 2?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnecki, Feingold, George, Helbach, Kincaid, Kreul, Lee, Moen, Norquist, Otte, Plewa, Risser, Roshell, Strohl, Ulichny and Van Sistine -- 20.

Noes -- Senators Chilsen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Lasee, Leraan, Lorman, McCallum, Rude, Stitt and Theno -- 13.

Absent or not voting -- None.

So the motion prevailed.

Senate amendment 2 to senate substitute amendment 2 offered by Senator Lorman.

The question was: Adoption of senate amendment 2 to senate substitute amendment 2?

Senator Otte moved rejection of senate amendment 2 to senate substitute amendment 2.

The question was: Rejection of senate amendment 2 to senate substitute amendment 2?

The motion prevailed.

Senator Lorman asked unanimous consent that **Senate Bill 283** be referred to committee on Agriculture, Health and Human Services.

Senator Otte objected.

Senator Lorman moved that **Senate Bill 283** be referred to committee on Agriculture, Health and Human Services.

The question was: Shall **Senate Bill 283** be referred to committee on Agriculture, Health and Human Services?

The motion did not prevail.

The question was: Adoption of senate substitute amendment 2?

Adopted.

By request of Senator George, with unanimous consent, **Senate Bill 283** was referred to joint committee on Finance.

Senator George asked unanimous consent that **Senate Bill 283** be withdrawn from the joint committee on Finance and taken up at this time.

Senator Lorman objected.

Senator George moved that **Senate Bill 283** be withdrawn from joint committee on Finance and taken up at this time.

The question was: Shall **Senate Bill 283** be withdrawn from joint committee on Finance and taken up at this time?

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The ayes and noes were required and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnecki, Feingold, George, Helbach, Kincaid, Kreul, Lee, Moen, Norquist, Otte, Plewa, Risser, Roshell, Strohl, Ulichny and Van Sistine -- 20.

Noes -- Senators Chilsen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Lasee, Leean, Lorman, McCallum, Rude, Stitt and Theno -- 13.

Absent or not voting -- None.

Less than two-thirds having voted in the affirmative, the motion did not prevail.

Assembly Bill 391

Relating to orders to perform community service work.

Read a second time.

Senate amendment 1 to senate amendment 1 offered by Senator Lee.

The question was: Adoption of senate amendment 1 to senate amendment 1?

By request of Senator Lee, with unanimous consent, **Assembly Bill 391** was referred to committee on Senate Organization.

MOTIONS

By request of Senator George, with unanimous consent, **Senate Bill 283** was withdrawn from joint committee on Finance and taken up at this time.

Senate Bill 283

Relating to testing infants for sickle cell disease and creating a technical council on biochemical screening.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 283

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 6; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnecki, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lee,

Leean, Moen, Norquist, Otte, Plewa, Risser, Roshell, Rude, Strohl, Theno, Ulichny and Van Sistine - 27.

Noes -- Senators Chilsen, Davis, Lasee, Lorman, McCallum and Stitt -- 6.

Absent or not voting -- None.

So the bill passed.

By request of Senator Engeleiter, with unanimous consent, the senate adjourned in honor of Tom Storm's thirtieth birthday on Friday, February 14.

By request of Senator George, with unanimous consent, the senate adjourned in honor of Frank Herbert, author of DUNE, who recently passed away.

By request of Senator Cullen, with unanimous consent, all action was ordered immediately messaged.

AMENDMENTS OFFERED

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 328** by Senator Czarnecki.

Senate substitute amendment 1 to **Senate Bill 416** by Senators Otte, Andrea, Feingold, Kincaid, Plewa, Risser and Theno.

Senate amendment 3 to **Senate Bill 396** by Senator Czarnecki.

Senate amendment 2 to senate substitute amendment 1 to **Senate Bill 303** by Senator Otte.

Upon motion of Senator Cullen the senate adjourned until 10:00 A.M. Tuesday, February 18.

11:50 A.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 369

1. Page 4, line 3: substitute "440.66." for "440.665".

Senate Bill 328, senate substitute amendment 1

1. Page 27, line 9: substitute "893.82" for "893.80".

Assembly Bill 669, assembly amendment 3 to assembly amendment 1

1. Page 1, line 6: delete "-par. (c)" and substitute "par. (c).".